

Justice will have a direct impact on the lives and liberties of our children, our grandchildren and even our great-grandchildren. We have only one chance to get it right, and a solemn obligation to do so.

Judge Alito, I have serious questions to ask. I congratulate you on your nomination, and I look forward to your answers in these hearings.

Chairman SPECTER. Thank you, Senator Kennedy.

Senator Grassley.

**STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR
FROM THE STATE OF IOWA**

Senator GRASSLEY. I have a much more positive view of Judge Alito.

[Laughter.]

Senator GRASSLEY. I think the record will sustain my view. But first, Judge Alito, I welcome you and your proud family to the Committee, and congratulations on your nomination.

I first want to remind all Americans who might be listening that the Senate has a very important responsibility to confirm only well-qualified individuals who will faithfully interpret the law and the Constitution. Confirmation should be limited to those individuals who will be fair, unbiased, devoted to addressing the facts in the law before them without imposing their own values and political beliefs when deciding cases. Nominees should not be expected to precommit to ruling on certain issues in a certain way, nor should Senators ask nominees to pledge to rule on cases in a particular way.

If we fulfill our responsibility to the Constitution, the Supreme Court will be filled with superior legal minds who will pursue the one agenda that our Founding Fathers intended in writing the Constitution, justice rather than political or personal goals. The Supreme Court will then consists of individuals who meticulously apply the law and the Constitution regardless of whether the results they reach are popular or not. If we do our job right, the Supreme Court will not be made up of men and women who are on the side of the little guy or the big guy, rather the Supreme Court will be made up of men and women who are on the side of the law and the Constitution.

From all accounts, Judge Alito has an impressive and extensive legal and judicial record, certainly one worthy of someone on the Supreme Court. Judge Alito excelled at top-notch schools, member of law review, clerked for a Federal judge. He also held important positions at the Department of Justice, Office of Legal Counsel, the Solicitor General's Office and was U.S. Attorney for New Jersey before being appointed to the Third Circuit.

I want to remind the American people this nominee, Judge Alito, has been confirmed unanimously by the U.S. Senate, not once, but twice. This is a tremendous record of accomplishment in public service equal to any Supreme Court nominee that I have considered in the 25 years I have been on this Committee. Not only that, Judge Alito has a reputation for being an exceptional and honest judge devoted to the rule of law, as well as being a man of integrity.

Judge Alito enjoys the support and respect of people who work with him, practice with him, and therefore, know him best. Example, 54 of Judge Alito's law clerks, Democrats, Republicans and Independents alike, signed a letter to the Committee that stated, "We collectively were involved in thousands of cases and it never once appeared to us that Judge Alito has prejudged a case or ruled based on political ideology." Continuing to quote, "It is our uniform experience that Judge Alito was guided by his profound respect for the Constitution and the limited role of the judicial branch." Those 54 opinions say a lot about Judge Alito and his approach to judicial function. Like Chief Justice Roberts, it appears that Judge Alito tries to act like an umpire, calling the balls and strikes, rather than advocating a particular outcome.

I am also impressed with the very complimentary things that some lawyers have had to say about Judge Alito in the Lawyers Evaluation Section of the Almanac of Federal Judiciary. With respect to his legal ability, lawyers praised him, saying that Judge Alito was "exceptional," "a brilliant jurist." Another lawyer stated that, "to say that he is outstanding is to use understatement. He's the best judge on the circuit, maybe in the country."

With respect to his demeanor and temperament, lawyers found Judge Alito to be measured and judicial while on the bench. One lawyer commented that he is demanding, but always courteous. He may occasionally, quoting, "demonstrate a little bit of impatience with lawyers that aren't quite getting it. This can be directed at either side. It's just a sign that his mind is working more efficiently than yours. He's never discourteous, never abusive." Another lawyer said, "He is pleasant and courteous." Others commented about the impression that Judge Alito is a conservative judge, but certainly not out to impose his own personal agenda while on the bench. One lawyer commented that he "is a conservative, but reaches honest decisions," while another said, "By reputation he's known to be one of the more conservative judges on the court, but he is forthright and fair. He tries to decide cases in front of him in the right way."

The American Bar Association came out just last week with an evaluation of Judge Alito to be a Justice, and they considered things like integrity, judgment, compassion, open-mindedness and freedom from bias and commitment to equal justice under the law. The ABA once again found Judge Alito to be unanimously well qualified. This recommendation should have much weight for my colleagues on the other side, who have time and time again described the rating of the ABA as, quote, "gold standard." Yet, some liberal interest groups have come out in full force and have attempted to paint Judge Alito to be an extremist and to be an activist. They have criticized a nominee who has, from what I see described by these lawyers and fellow judges, a reputation of being a restrained jurist committed to the rule of law and the Constitution, but that is what these outside-the-mainstream groups always do.

They attack individuals who they believe will not implement their agenda before the Supreme Court, so Judge Alito should see criticism as a badge of honor worn by many past and present members of the Court. Yet, I am glad to see the public fully participate

in this process because this is the nature of our system of Government, but I do not like to see facts twisted, untruths fabricated to give the nominee a black eye even before he comes before our Committee.

So, Judge Alito, now you have that opportunity to set everyone straight on your record and your approach to deciding cases. These hearings are also an opportunity, a very good opportunity to remind the public about the proper role of a judge in our system of checks and balances limited Government. Judges are required by our democratic system not to overstep their positions to become policymakers or super legislators. Supreme Court nominees should know, without any doubt, that their job is not to impose their own personal opinions of what is right and wrong, but to say what the law is, rather than what they personally think the law ought to be. Supreme Court nominees should know that this exercise of judicial restraint is a key ingredient of being a good judge, as the Constitution constrains judges every bit as it constrains we legislators, executives and citizens in their actions.

Moreover, Supreme Court nominees should be individuals who not only understand but truly respect the equal roles and responsibilities of different branches of Government and our State Governments. As Alexander Hamilton said in Federalist No. 78, "The courts must decide the sense of the law, and if they should be disposed to exercise will instead of judgment, the consequences would be the substitution of their pleasure to that of the legislative body." Our Framers expected the judicial branch to be the least dangerous branch of Government.

At our meeting in my office in November, I heard Judge Alito place emphasis on the limited role of the courts in our democratic society. He also reiterated this belief in a questionnaire he submitted to this Committee. So I have some idea of how Judge Alito approaches the law and views the role of a judge. I am hopeful that his commitment to judicial restraint and to confining decisions to the law and the Constitution will shine through in this hearing, and I believe it will, and I am hopeful that my colleagues will give Judge Alito a civil, a fair and a dignified process, as well as an up or down vote, because as always, the Constitution sets the standard: the President nominates, the Senate deliberates, and then we are obligated to give our advice and consent in an up or down vote.

Judge Alito, I congratulate you.

Chairman SPECTER. Thank you very much, Senator Grassley.
Senator Biden.

**STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR
FROM THE STATE OF DELAWARE**

Senator BIDEN. Thank you, Mr. Chairman.

Judge, welcome. Mrs. Alito and your family, welcome. It is an incredible honor to be nominated by a President of the United States to be an Associate Justice of the Supreme Court, and you are to be congratulated.

Judge, this may be one of the most significant, consequential nominations that the Senate will vote on since I have been here in the last three decades. I think history has delivered you, fortunately or unfortunately, to a moment where Supreme Court histo-